

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

GOOGLE, LLC and ALPHABET INC., a single
employer

and

EDWARD GRYSTAR, an Individual

Cases 20-CA-252802

and

KYLE DHILLON, an Individual

20-CA-252902

and

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO

**20-CA-252957
20-CA-253105
20-CA-253464**

and

KATHRYN SPIERS, Intervenor

(20-CA-253105;
20-CA-253464)

and

SOPHIE WALDMAN, Intervenor

(20-CA-252957)

and

PAUL DUKE, Intervenor

(20-CA-252957)

And

REBECCA RIVERS, Intervenor

(20-CA-252957)

THIRD-AMENDED COMPLAINT AND NOTICE OF HEARING

Edward Grystar (Grystar), Kyle Dhillon (Dhillon), and the Communications Workers of America, AFL-CIO (Union), (collectively, Charging Parties) have charged that Google, LLC

(Google) and Alphabet Inc. (Alphabet), a single employer (Respondent), has been engaging in unfair labor practices affecting commerce as set forth in the National Labor Relations Act, 29 U.S.C., Sec. 151, et seq., (the Act), and a Complaint and Notice of Hearing issued based on those charges on December 2, 2020, and a Second-Amended Complaint issued on June 9, 2021. The Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.17 of the Board's Rules and Regulations, now issues this Third-Amended Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case 20-CA-252802 was filed by Grystar against Google, LLC on December 3, 2019, and a copy was served on Google by U.S. mail on December 4, 2019.

(b) A first-amended charge in Case 20-CA-252802 was filed by Grystar against Google, LLC on December 1, 2020, and a copy was served on Google by U.S. mail on December 2, 2020.

(c) The charge in Case 20-CA-252902 was filed by Dhillon against Google, LLC on December 5, 2019, and a copy was served on Google by U.S. mail on December 6, 2019.

(d) A first-amended charge in Case 20-CA-252902 was filed by Dhillon against Google, LLC on December 1, 2020, and a copy was served on Google by U.S. mail on December 2, 2020.

(e) The charge in Case 20-CA-252957 was filed by the Union on December 5, 2019, and a copy was served on Respondent by U.S. mail on December 6, 2019.

(f) A first-amended charge was filed in Case 20-CA-252957 by the Union on March 9, 2020, and a copy was served on Respondent by U.S. mail on March 10, 2020.

(g) The charge in Case 20-CA-253105 was filed by the Union on December 9, 2019, and a copy was served on Respondent by U.S. mail on December 10, 2019.

(h) The charge in Case 20-CA-253464 was filed by the Union on December 16, 2019, and a copy was served on Respondent by U.S. mail on December 17, 2019.

2. (a) At all material times, Google, a California limited liability company with offices and places of business in Mountain View, California, New York, New York, and elsewhere, is a technology company specializing in a search-engine and other internet-related services and products.

(b) During the twelve-month period ending October 31, 2020, Google, in conducting its business operations described above in subparagraph 2(a), derived gross revenues in excess of \$500,000.

(c) During the period of time described above in subparagraph 2(b), Google, in conducting its business operations described above in subparagraph 2(a), purchased and received at its Mountain View, California, office and place of business, goods valued in excess of \$5,000 directly from points outside the State of California.

3. (a) At all material times, Alphabet, a California corporation with its headquarter office and place of business located in Mountain View, California, is a technology conglomerate and parent holding company of Google, Waymo, and other subsidiaries.

(b) During the twelve-month period ending October 31, 2020, Alphabet, in conducting its business operations described above in subparagraph 3(a), derived gross revenues in excess of \$500,000.

(c) During the period of time described above in subparagraph 3(b), Alphabet, in conducting its business operations described above in subparagraph 3(a), purchased and received at its Mountain View, California, office and place of business, goods valued in excess of \$5,000 directly from points outside the State of California

4. (a) At all material times, Google and Alphabet have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with common insurance and purchasing and sales; and have held themselves out to the public as a single-integrated business enterprise.

(b) Based on its operations described above in subparagraph 4(a), Google and Alphabet constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

5. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6. (a) For the time periods specified herein, the following individuals held the positions set forth opposite their respective names and have been supervisors of the Respondent within the meaning of Section 2(11) of the Act:

¶	Individual	Position	Time Period
i.	Tim Swanson	Senior Software Engineer	November 2019
ii.	Jered Wierbickisky	Staff Supervisor	From November 1, 2019 to December 31, 2019.
iii.	Ben Johns	Software Engineer	From November 1, 2019 to December 31, 2019.
iv.	Jeff Gilbert	Principal Software Engineer	From November 1, 2019 to December 31, 2019.

v.	Carter Gibson	Community Moderation Manager	From at least July 1, 2019 to December 31, 2019.
vi.	Dorota Was	Software Engineer	From at least July 1, 2019 to December 31, 2019.
vii.	Guobiao Mei	Software Engineer	From at least July 1, 2019 to December 31, 2019.

(b) For the time periods specified herein, the following individuals held the positions set forth opposite their respective names and have been agents of the Respondent within the meaning of Section 2(13) of the Act:

¶	Individual	Position	Time Period
i.	Brad Fuller	Safety & Security Specialist	From September 1, 2019 to December 31, 2019.
ii.	Traci Cravitz	Safety & Security Specialist	From November 1, 2019 to December 31, 2019.
iii.	Steven King	Director, Safety & Security	From November 1, 2019 to December 31, 2019.
iv.	Charles Leynes	Safety & Security Specialist	November 2019
v.	Heather Adkins	Security Engineer Director	From November 1, 2019 to December 31, 2019.
vi.	Chris Rackow	VP G&A	November 2019
vii.	Royal Hansen	Vice President, Engineering	November 2019

viii.	Mikayla Cameron	People Partner	November 2019
ix.	Kibra Yemane	People Consultant	From November 1, 2019 to December 31, 2019.
x.	Unnamed Agent #1		From November 1, 2019 to December 31, 2019.
xi.	Unnamed Agent #2		From at least May 1, 2019 through at least December 31, 2019.
xii.	Unnamed Agent #3		From November 1, 2019 to December 31, 2019.
xiii.	Unnamed Agent #4		September 2019
xiv.	Nicole Kuzdiba	Human Resources Representative	From November 1, 2019 to December 31, 2019.
xv.	Aleks Kagramanov	Safety & Security Specialist	From at least September 1, 2019 to at least December 31, 2019.
xvi.	Sundar Pichai	Chief Executive Officer	From at least January 1, 2017 to at least December 31, 2019.
xvii.	Sergey Brin	President	From at least January 1, 2017 to at least December 31, 2019.
xviii.	Thomas Kurian	VP, Google Cloud	From at least July 1, 2019, to at least December 31, 2019.

7. About November 8, 2019, Respondent, by Brad Fuller and Traci Cravitz, interrogated its employees about their protected concerted activities by asking them about accessing MemeGen Takedown Documents. (Case 20-CA-252957)

8. (a) On November 27, 2019, Respondent, by Steven King, interrogated its employees about their protected concerted activities by asking them about their creation of a Google Form that expressed concerns about Respondent's enforcement of its Need-to-Know Policy to Unnamed Agent # 2. (Case 20-CA-25802).

(b) On December 9, 2019, Respondent, by Traci Cravitz, interrogated its employees about their protected concerted activities by asking them about their creation of the Google Form described in subparagraph 8(a), about their suspected creation of a Moma badge related to the emails sent by the Google Form described in subparagraph 8(a), and about their involvement in organizing groups with other employees. (Case 20-CA-25802).

9. On December 5 and 6, 2019, Respondent, by Unnamed Agent #3, interrogated its employees about their protected concerted activities by asking them about their creation of a chrome extension that sent emails expressing concerns about Respondent's enforcement of its Need-to-Know Policy to Unnamed Agent # 2. (Cases 20-CA-253105, 20-CA-253464).

10. On December 9, 2019, Respondent, by Traci Cravitz, interrogated its employees about their protected concerted activities by asking them about their creation of a chrome extension that sent emails expressing concerns about Respondent's enforcement of its Need-to-Know Policy to Unnamed Agent # 2. (Case 20-CA-252902).

11. About December 18, 2019, Respondent, by Unnamed Agent #1, in a meeting which included Supervisors Jered Wierbickisky, Director of Detection and Response Heather Adkins, and Manager Kibra Yemane, threatened employees with unspecified reprisals by requiring

employees to raise workplace concerns through official channels including Code of Conduct alias or go/my-concerns. (Case 20-CA-252802).

12. (a) At all material times, Respondent has maintained Data Classification Policies pertaining to accessing Need-to-Know documents.

(b) Since about November 2019, Respondent, by Traci Cravitz and Charles Leynes, enforced the rule described above in subparagraph 12(a) selectively and disparately by applying it only against employees who engaged in protected, concerted activities. (Case 20-CA-252957).

13. (a) About November 2019, Respondent, by email, promulgated and has since then maintained a Calendar Access rule prohibiting employees from accessing other employees' calendars without a business purpose.

(b) Respondent promulgated and maintained the rule described above in subparagraph 13(a) to discourage its employees from forming, joining, assisting a union or engaging in other protected, concerted activities. (Case 20-CA-252957)

14. (a) About October 2019, Respondent promulgated and has since then maintained a Calendar Event rule prohibiting employees from creating calendar events with more than 100 invitees or using more than 10 rooms without a business purpose.

(b) Respondent promulgated and maintained the rule described above in subparagraph 14(a) to discourage its employees from forming, joining, assisting a union or engaging in other protected, concerted activities. (Case 20-CA-252957)

15. (a) Around July 2019, employees Paul Duke, Sophia Waldman engaged in concerted activities with other employees for the purposes of mutual aid and protection by discussing concerns about a public document showing that U.S. Customs and Border Protection

requested information from Respondent about its cloud computing services, including whether employees' work might be used for the potential project.

(b) Around July 2019, employee Paul Duke engaged in concerted activities with other employees for the purposes of mutual aid and protection by accessing employee accessible documents related to the Respondent's relationship with U.S. Customs and Border Protection.

(c) On August 14, 2019, employees Paul Duke and Sophia Waldman engaged in concerted activities with other employees for the purposes of mutual aid and protection by disseminating a petition protesting Respondent's relationship with U.S. Customs and Border Protection.

(d) Between August 14, 2019, and August 19, 2019, employees Rebecca Rivers, Paul Duke, and Sophia Waldman engaged in concerted activities with other employees for the purposes of mutual aid and protection by accessing employee accessible documents related to Respondent's relationship with U.S. Customs and Border Protection.

(e) On August 19, 2019, Sophia Waldman engaged in concerted activities with other employees for the purposes of mutual aid and protection by publishing an internal document linking to some of the documents described in subparagraph 15(d).

(f) Around September 2019, employees Paul Duke and Sophia Waldman engaged in concerted activities with other employees for the purposes of mutual aid and protection by discussing concerns about Respondent's relationship with the software company Palantir.

(g) Around September 2019, employees Rebecca Rivers, Paul Duke, and Sophia Waldman engaged in concerted activities with other employees for the purposes of mutual

aid and protection by accessing employee accessible documents related to the Respondent's relationship with Palantir.

(h) On September 24, 2019, Sophia Waldman and Paul Duke engaged in concerted activities with other employees for the purposes of mutual aid and protection by publishing an internal document linking to some of the documents described in subparagraph 15(g).

(i) On November 25, 2019, Respondent terminated the employment of Rebecca Rivers, Paul Duke, and Sophia Waldman.

(j) Respondent engaged in the conduct described above in subparagraph 15(i) because Rebecca Rivers, Paul Duke, and Sophia Waldman engaged in the conduct described above in subparagraphs 15(a)-15(h), and to discourage employees from engaging in these or other concerted activities.

16. (a) About October 2019, employee Rebecca Rivers engaged in concerted activities with other employees for the purposes of mutual aid and protection by posting workplace concerns on MemeGen.

(b) About early November 2019, Rivers accessed employee accessible documents regarding the MemeGen Takedown Process.

(c) About November 7, 2019, Respondent placed Rivers on administrative leave for accessing documents regarding the MemeGen Takedown Process.

(d) About November 25, 2019, Respondent terminated the employment of Rivers.

(e) Respondent engaged in the conduct described above in subparagraphs 16(c) and (d) because Rivers engaged in the conduct described above in subparagraphs 16(a) and (b) and

to discourage employees from engaging in these or other concerted activities. (Case 20-CA-252957)

17. (a) On November 18, 2019, Respondent's employee Eddie Grystar concertedly complained to Respondent regarding the wages, hours, and working conditions of Respondent's employees, by emailing employees' concerns about Respondent's enforcement of its Need-to-Know policy and creating a Google Form for other employees to express the same concerns to Unnamed Agent #2.

(b) On November 18, 2019, Respondent's employees Kyle Dhillon and Kathryn Spiers engaged in concerted activities with each other for the purposes of mutual aid and protection, by creating and sharing a Google Document titled, "'Need to Know' Self-Reporter DD," which expressed concerns about Respondent's enforcement of its Need-to-Know policy.

(c) On November 21, 2019, Respondent's employees Kyle Dhillon and Kathryn Spiers concertedly complained to Respondent regarding the wages, hours, and working conditions of Respondent's employees, by creating a chrome extension that sent emails expressing concerns about Respondent's enforcement of its Need-to-Know Policy to Unnamed Agent # 2.

(d) Around November 20, 2019, Respondent's employee Eddie Grystar engaged in concerted activities with other employees for the purposes of mutual aid and protection by organizing a November 22, 2019, protest at the Employer's San Francisco facility to express concern about the Employer's placement of other employees on administrative leave.

(e) About November 23, 2019, employee Kathryn Spiers began writing code for a pop-up featuring an NLRB Notice from Case 32-CA-176462 that would automatically appear when an employee visited Respondent's Community Guidelines and other web pages.

(f) About November 24, 2019, Respondent's employee Kyle Dhillon performed a code review for the code referenced above in subparagraph 17(e).

(g) About November 25, 2019, Respondent's employee Edward Grystar performed a readability review for the code referenced above in subparagraph 17(e).

(h) About November 25, 2019, Respondent placed Kathryn Spiers on Administrative Leave. (Cases 20-CA-253105 and 20-CA-253464)

(i) About November 26, 2019, Respondent turned off employee Kyle Dhillon's cell phone service. (Case 20-CA-252902)

(j) About November 27, 2019, Respondent placed employees Kyle Dhillon and Edward Grystar on administrative leave. (Cases 20-CA-252802 and 20-CA-252902)

(k) About December 18, 2019, Respondent issued employee Kyle Dhillon a final written warning. (Case 20-CA-252902)

(l) About December 19, 2019, Respondent counseled Edward Grystar and placed him on a 6-month monitoring of his readability and LGTM reviews. (Case 20-CA-252802)

(m) About December 13, 2019, Respondent terminated the employment of Kathryn Spiers. (Case 20-CA-253464)

(n) Respondent engaged in the conduct described above in subparagraphs 17(i) through 17(l) because Dhillon and Grystar engaged in the conduct described above in subparagraphs 17 (a)-(d), (f) and (g) and to discourage employees from engaging in these or other concerted activities. (Cases 20-CA-252802 and 20-CA-252902).

(o) Respondent engaged in the conduct described above in subparagraphs 17(h) and (m) because Spiers engaged in the conduct described above in subparagraphs 17(b), (c), and

(e) and to discourage employees from engaging in these or other concerted activities. (Case 20-CA-253464).

18. By the conduct described above in paragraphs 7 through 17, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

19. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Third-Amended Complaint. The answer must be **received by this office on or before August 2, 2021**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not

represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Third-Amended Complaint are true.

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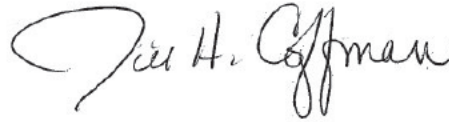
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HEARING

As previously ordered, on **August 23, 2021, at 9:00 a.m.**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board at 901 Market Street, Suite 400, San Francisco, California, or method or means, including videoconference, directed by the Administrative Law Judge. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Third-Amended Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request

a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 19, 2021

A handwritten signature in black ink, reading "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" and last name "Coffman" clearly legible.

JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Attachments

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

GOOGLE, LLC and ALPHABET INC., a single employer

and

EDWARD GRYSTAR, an Individual

Cases 20-CA-252802

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REBECCA RIVERS, Intervenor

(20-CA-252957)

AMENDMENT TO THIRD-AMENDED COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), IT IS ORDERED that the Third-Amended Complaint and Notice of Hearing issued on July 19, 2021, be amended to replace paragraph 12 with the following:

12. (a) At all material times, Respondent has maintained Data Classification Policies pertaining to accessing Need-to-Know documents.

(b) Since about November 2019, Respondent, by its agents including, but not limited to, Brad Fuller, Traci Cravitz, and those serving on Respondent's Abuse Review Committee, amongst others, enforced the rule described above in subparagraph 12(a) selectively and disparately by applying it only against employees who engaged in protected, concerted activities. (Case 20-CA-252957).

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an Answer to the Amendment to Third-Amended Complaint. The answer must be **received by this office on or before August 9, 2021**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature

continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Amendment to the Third-Amended Complaint are true.

HEARING

As previously ordered, on **August 23, 2021, at 9:00 a.m.**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board at 901 Market Street, Suite 400, San Francisco, California, or method or means, including videoconference, directed by the Administrative Law Judge. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Amendment to the Third-Amended Complaint and in the Third-Amended Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 26, 2021

/s/ Dale Yashiki

DALE YASHIKI
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Attachments